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### NO NEW INSTITUTION

A lawsuit filed today asks the court to stop the Commonwealth's plan to build a new 75-bed institution for people with intellectual disabilities in Chesapeake. The suit, brought by The Arc of Virginia and the Virginia Office for Protection and Advocacy, argues that the plan violates the Americans with Disabilities Act (ADA) and other federal laws.

According to the suit, Virginia plans to build and fully populate a segregated facility on the Southeastern Virginia Training Center (SEVTC) compound for a cost of more than \$23 million. Virginia will place 75 residents from SEVTC in the institution, regardless of whether any of them actually require institutionalization. In fact, last spring, Virginia sponsored a review of the residents of Southeastern Virginia Training Center and concluded that each and every one of them can be served in the community. The study found that none of the residents at SEVTC had needs that were any more complex than people already living in the community.

Under federal law, Virginia may not discriminate against people with disabilities. In order to meet this obligation, the suit maintains, the Commonwealth must conduct an "individualized assessment" of the needs of people with disabilities and meet those needs in the "most integrated setting appropriate" to them. These requirements led the Supreme Court, in the *Olmstead* case, to hold that "unjustified institutional isolation is a form of discrimination."

Nevertheless, the plaintiffs allege, in defiance of the ADA and the *Olmstead* decision, Virginia has chosen to ignore the individualized assessments it secured just last year and segregate 75 individuals in an institution.

"People with intellectual disabilities, even those with the most complex needs, can live full and safe lives in Virginia's community - and thousands do, every day," Jamie Trosclair, Executive Director of The Arc of Virginia, said. "Yet Virginia is planning to spend millions and millions of precious state dollars to segregate people, to require them to live in isolation. This is intolerable."

The suit was filed against Governor Kaine, Secretary of Administration Viola Baskerville, Secretary of Health and Human Services Marilyn Tavenner, and other state officials.

The Arc of Virginia is a state-wide organization with 21 chapters, advocating for the rights of people with intellectual and developmental disabilities. The Virginia Office for Protection and Advocacy is an independent state agency, with a mission to advance the rights of Virginians with Disabilities.

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